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VIA ECF

February 5, 2015

Chambers of Hon. John G. Koeltl
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

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Re: Apple Mortgage v. Barenblatt, *et al.*
13 Civ. 9233 (JGK)

Your Honor:

We represent GuardHill Financial Corp., a third party that has provided a volume of documents and information to the parties in this litigation and from which Plaintiff seeks additional documents and information.

Your Honor scheduled a pre-motion conference on Plaintiffs' motion to compel additional production from GuardHill for this coming Monday, February 9, 2015, at 2:30 p.m. (See Docket No. 25.) I will be in arbitration hearings all day on February 9, 2015, in the matter captioned *Matthew S.R. Tuck v. HSBC Securities (USA) Inc.*, FINRA Dispute Resolution Arb. No. 13-03562. The arbitration panel scheduled next week's hearing in June 2014. Hearings continue on February 11, 12, and 25. On February 10, I am scheduled to prepare witnesses for the next day's arbitration hearing. On February 13, I am traveling to California to speak at an American Bar Association meeting.

I write to request an adjournment of Monday's pre-motion conference in light of the foregoing. Including because GuardHill is a third party to this litigation, I am the only attorney at my law firm to have worked on this matter, and therefore would prefer to be present to address the Court's questions regarding the propriety of Plaintiff's additional discovery demands.

Pursuant to Your Honor's Individual Practice 1(E):

1. The original date of the conference is February 9, 2015.
2. To our knowledge, there have been no previous requests for adjournment or extension of the pre-motion conference.
3. We learned within the last hour that Plaintiff would not consent to adjourn the pre-motion conference unless Defendants consented to an extension of Your Honor's discovery cut-off date. According to Plaintiff, Defendants would not so consent, and therefore Plaintiff did not consent to adjourn Monday's conference.



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For the foregoing reasons, we respectfully request that Your Honor adjourn Monday's pre-motion conference to a date after next Friday.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "ASB".

Allan S. Bloom

COPY TO CHAMBERS VIA FACSIMILE PER INDIVIDUAL RULE 1(H)
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cc: Jonathan Rogin, Esq.
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